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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,733	11/29/2001	James A. Proctor JR.	TAN-2-1403.06.US	4012
24374	7590	04/20/2007	EXAMINER	
VOLPE AND KOENIG, P.C. DEPT. ICC UNITED PLAZA, SUITE 1600 30 SOUTH 17TH STREET PHILADELPHIA, PA 19103			HALIYUR, VENKATESH N	
			ART UNIT	PAPER NUMBER
			2616	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		04/20/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/997,733	PROCTOR, JAMES A.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Venkatesh Haliyur	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 January 2007.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-59 (claims 8, 13, 37 are canceled) is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-7, 9-12, 14-37 and 39-41 is/are allowed.
- 6) Claim(s) 42-59 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Response to Amendment*

1. The amendment filed on 01/25/2007 has been fully considered. However, upon further consideration, a new ground(s) of rejection is made in view of newly found Derryberry et al references.
2. Claims 1-59 are pending in the application. Claims 8,13,37 are canceled. Claims 42-59 are new.

### *Claim Rejections - 35 USC § 102*

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 42-59 are rejected under 35 U.S.C. 102(e) as being anticipated by Derryberry et al [6,498,785].

Regarding claim 42,51, Derryberry et al in the invention of "Method and Apparatus for Power Control on A Common Channel in a Telecommunication System"

disclosed a subscriber unit (**mobile station, item 114 of Fig 1**) comprising a wireless transceiver (**item 200 of Fig 2**) configured to provide wireless communications of digital signals over a digital communications path in a wireless CDMA system (**col 4, lines 30-33**); and a bandwidth manager (**control processor, item 218 of Fig 2**) coupled to the wireless transceiver and configured to receive over the digital communications path (**item 212 of Fig 2**) a power control bit from a remote wireless transceiver (**base station, item 108 of Fig 1**), and to compute a power level corresponding to the power control bit for a gated idle mode signal (**col 2, lines 25-30**) to be transmitted by the wireless transceiver (**Fig 5, col 11, lines; 5-14**) the wireless transceiver configured to transmit the gated idle mode signal to the remote wireless transceiver during an idle mode connection wherein the wireless transceiver is powered on but not actively sending data so that power control is maintained at the computed power level (**col 2, lines 25-60**).

Regarding claims 43-44,52-53, Derryberry et al disclosed that the wireless transceiver transmits the gated idle mode signal at predetermined intervals and the predetermined intervals are time slots (**waits in idle mode, col 2, lines 25-30**).

Regarding claims 45-46,54-55, Derryberry et al disclosed that each time slot corresponds to a plurality of power control groups (**M frames**) and a power control metric corresponds to the power level of the power control bit (**col 9, lines 42-55**).

Regarding claims 47-48,56-57, Derryberry et al disclosed that the power control bit indicates a change in the power level for a subsequent gated idle mode signal and the power control bit is received two time slots after the corresponding gated idle mode

signal (**col 2, lines 25-47**).

Regarding claims 49-50,58-59 Derryberry et al disclosed that subscriber unit according to wherein the predetermined intervals are based upon a minimal duration required to maintain power control and wherein the minimal duration corresponds to an acceptable power control error (**power corrections col 2, lines 45-67, col 3, lines 1-16**).

***Response to Arguments***

5. Applicant's arguments, see Remarks, filed 01/25/2007, with respect to the rejection(s) of claim(s) 1-41 under 35 USC 102(e) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Derryberry et al.

***Allowable Subject Matter***

6. Claims 1-7,9-12,14-37,39-41are allowed over prior art.

***Conclusion***

7. Any inquiry concerning this communication or earlier communications should be directed to the attention to Venkatesh Haliyur whose phone number is 571-272-8616. The examiner can normally be reached on Monday-Friday from 9:00AM to 5:00 PM. If

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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached @ (571)-272-3139. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (571)-272-2600 or fax to 571-273-8300.

8. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197(toll-free).



WING CHAN  
SUPERVISORY PATENT EXAMINER

Venkatesh Haliyur  
Patent Examiner

W  
04/12/07